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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/520,746
Filing Date	January 7, 2005
First Named Inventor	Fangmeier et al.
Art Unit	Not Yet Known
Examiner Name	Not Yet Known
Attorney Docket Number	SMB-PT126 (PC 03 446 B US)

ENCLOSURES (Check all that apply)

- | | | |
|--|--|--|
| <input type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached
<input type="checkbox"/> Amendment/Reply
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under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
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of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
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<input checked="" type="checkbox"/> Other Enclosure(s) (please identify
below):
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	VOLPE AND KOENIG, P.C.		
Signature			
Printed name	Randolph J. Huis		
Date	8/23/2005	Reg. No.	34,626

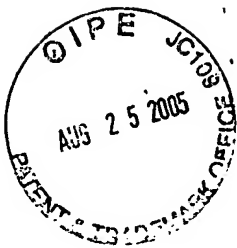
CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Randolph J. Huis	Date	8/23/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the **PATENT APPLICATION** of:

Fangmeier et al.

Application No.: 10/520,746

Filed: January 7, 2005

For: SANITARY FITTING

Group: Not Yet Known

Examiner: Not Yet Known

Our File: SMB-PT126

(PC 03 446 B US)

Date: August 23, 2005

**TRANSMITTAL OF TRANSLATION OF THE
INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Further to Applicant's Duty of Disclosure pursuant to 37 C.F.R. §1.56, enclosed is the translation of the International Preliminary Examination Report from the corresponding International Application. All of the noted references or their English language equivalents were previously submitted in an Information Disclosure Statement.

Prompt examination of the Application is respectfully requested.

Respectfully submitted,

Fangmeier et al.

By 

Randolph J. Huis
Registration No. 34,626
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Volpe and Koenig, P.C.
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RJH/dmm
Enclosure

PCT

From the INTERNATIONAL BUREAU

To:

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Dreikönigstrasse 13
79102 Freiburg i. Br.
ALLEMAGNE

5. _____

27. 14; 28. 5

IMPORTANT NOTIFICATION

International filing date (day/month/year)
09 December 2003 (09.12.2003)

NEOPERL GMBH et al

Translation

PATENT COOPERATION TREATY

PCT/EP2003/013910



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PC 03 446 B	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEPA/416)	
International application No. PCT/EP2003/013910	International filing date (day/month/year) 09 December 2003 (09.12.2003)	Priority date (day/month/year) 10 December 2002 (10.12.2002)
International Patent Classification (IPC) or national classification and IPC E03C 1/10, F16K 15/06, 47/02		
Applicant NEOPERL GMBH		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 4 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 7 sheets.

- This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 19 May 2004 (19.05.2004)	Date of completion of this report 27 October 2004 (27.10.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/013910

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages _____, 1, 5-10 _____, as originally filed
 pages _____, filed with the demand
 pages _____, 2, 3, 4, 4a _____, filed with the letter of _____ 16 October 2004 (16.10.2004)
- ☒ the claims:
 pages _____, 1-9 _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the drawings:
 pages _____, 1/2-2/2 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

- These elements were available or furnished to this Authority in the following language _____ which is:
- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig. _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(e)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under Item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 03/13910

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-9	YES
	Claims		NO
Inventive step (IS)	Claims	1-9	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO

2. Citations and explanations

Citations

D1: DE 198 34 902 A (GUTZEIT THEODOR) 11 February 1999 (1999-02-11)

- 1) D1, which is considered the closest prior art, discloses a sanitary fitting with a double-walled housing, the inner housing wall being designed as a membrane consisting of a flexible material.
- 2) The subject matter of claim 1 differs therefore from that of D1 in the radial arrangement of the flexible housing wall relative to the rigid housing wall and the associated mode of operation in the event of pressure compensation.
- 3) The problem addressed by the present invention can therefore be considered that of producing a sanitary fitting as described above that can be inserted into a sanitary water pipe in a fluid-tight manner using simple means.
- 4) The flexible housing wall of D1 is situated, in contrast to that of claim 1 of the application, radially on the inside. The fluid-tight use of the

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP 03/13910

fitting shown in D1 in a sanitary water pipe is not readily possible. In addition, as a result of the externally arranged, flexible housing wall according to claim 1, the mode of operation of the fitting as per the invention differs in the event of pressure compensation from the mode of operation of D1 in the manner described in the last seven lines of claim 1.

- 5) None of the citations discloses a solution as per claim 1 or suggests combining two or more disclosures so as to arrive at the claimed invention. The subject matter of claim 1 is therefore inventive, as is the subject matter of dependent claims 2 to 9.

Note

The present claim 1 is based on the original claim 1 in combination with the original claim 2 and on page 3, paragraph 1 of the original description.